

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

JOHN JOSEPH KLESS

Case No.

19-0187-Seltzer

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 04/16/2019 in the county of Broward in the  
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 875(c)

Interstate Transmission of Threats

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.



Complainant's signature

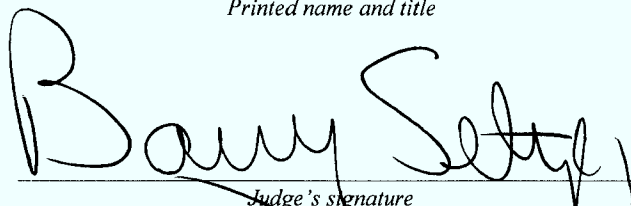
Special Agent Lacey Evans, U.S. Capitol Police

Printed name and title

Sworn to before me and signed in my presence.

Date:

April 18, 2019



Judge's signature

City and state:

Ft. Lauderdale, Florida

Hon. Barry S. Seltzer, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

Your affiant, Lacey Evans, being first duly sworn, does hereby depose and state as follows:

**INTRODUCTION**

1. I am a Special Agent (SA) with the United States Capitol Police (USCP), where I have served since May 2015. I am currently assigned to the Investigations Division, Threat Assessment Section. My duties and responsibilities, among other things, include investigating threats made to federal officials. I have attended the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. I have received training and gained experience in search warrant and arrest warrant applications. I have participated in numerous investigations into threats against members of Congress to include violations of Title 18, United States Code, Section 875(c).

2. I am familiar with the facts and circumstances set forth in this affidavit as a result of my participation in the investigation; as a result of my experience, training, and background as an Agent with the USCP; as a result of personal observations and examination of relevant evidence; and as a result of information provided to me by other law enforcement officers and witnesses. The information contained in this affidavit is not inclusive of all the facts of the investigation and is provided for the limited purpose of establishing probable cause to obtain a criminal complaint.

3. This affidavit is submitted in support of a Criminal Complaint for the arrest of JOHN JOSEPH KLESS (hereafter "KLESS") for the Interstate Transmission of Threats, in violation of Title 18, United States Code, Section 875(c).

**PROBABLE CAUSE**

4. On April 16, 2019, an unknown male caller, later identified as **JOHN JOSEPH KLESS**, called the Washington, D.C. Offices of a U.S. Congressman from California, a U.S. Congresswoman from Michigan, and a U.S. Senator from New Jersey, from phone number 954-326-0611, and threatened to kill them.

5. Specifically, on April 16, 2019, at approximately 7:00 a.m. EDT, **KLESS** called U.S. Congressman Eric Swalwell from California and left the following voicemail:

“Fuck you, Eric cocksucker. Why don’t you go suck your daddy’s dead dick, you fucking piece of shit. The day you come after our guns, motherfucker, is the day you’ll be dead. Along with everybody in the fucking government, motherfucker. You want war bitch? Keep talking like that. Have all you fucking stupid ass Democrats keep talking like that shit too. Same with that towel head Taliban fucking whore. Y’all motherfuckers don’t give a fuck about 9/11, or all the illegals coming in, or all the niggers on fucking welfare, but all you fucking care about is taking guns, bitch you’re gonna fucking pay for that shit, nigger. You’re gonna die, don’t wanna, don’t do that shit, boy. You’ll be your death bed motherfucker, along with all the rest of you Democrats. So if you want death, keep that shit up, motherfucker. Keep talking that shit, because the American people are gonna fucking war. We’re gonna fucking war in this country. You motherfuckers are gonna pay for it all, with your fucking blood, bitch. Fuck off and have a shitty day you cocksucking fucking motherfucker, you. Eat shit Democrat shit. Communist fuck bag. Go suck your daddy’s dead dick.”

6. On April 16, 2019, at approximately 7:09 a.m. EDT, **KLESS** called U.S. Congresswoman Rashida Tlaib from Michigan and left the following voicemail:

“Hey Taliban. You got fucking nerve, bitch. Tell your Taliban friend to shut the fuck up about 9/11, this ain’t Trump’s fault, bitch, it’s all your people’s fault. You’re the motherfuckers who drove the planes into the buildings, bitch. Fuck you. You won’t fucking tell Americans what to say and you definitely don’t tell our president, Donald Trump, what to say, whore. It was your Taliban bitch, who fucking opened up her fucking towel head mouth about ‘some people did it.’ You know what, she’s lucky she’s just getting death threats bitch. So are you. Alright? You’re lucky they’re just threats. Motherfucker. ‘Cuz the day when the bell tolls, whore, and this country comes to a war, there will be no more threats. Your life will be on the fucking line. All of you. So. There’s people like me out there, millions and millions of us who hate you motherfuckers, man, for what you done on 9/11, I

blame all of you, because all of you had a fucking part in on it. Fuck off, you towel head whore, and go suck fucking Obama's AIDS dick. That's another towel head motherfucking nigger right there, just like you. You're shit. And you'll be shit. You're an abomination, just like faggots, motherfucker. Fuck off bitch, Shut your fucking mouth. No one wants to fucking hear you or that other little whore. I'd like to take that bitch and throw her right off the Empire State Building, that fucking whore. Tell her to shut her fucking mouth, you fucking fuck her all the time probably. So, tell her to shut the fuck up, alright? From one towel head to another. You stanking, fucking smelly fucking bitch. Fuck off. I wish all of you the worst. You can go fuck off in life. Fuck you and fuck Mohammed too. You bitch fucking cunt."

7. On April 16, 2019, at approximately 7:30 a.m. EDT, **KLESS** called U.S. Senator Corey Booker from New Jersey and left the following voicemail:

"Yeah I got a comment for you, you stupid fucking nigger. Do you think that if Trump, who's the bad guy here... After that fucking Taliban bitch said that shit about 9/11? Just some people did it. Maybe some niggers got did it you fucking monkey. You're a fucking disgrace. We need to kill all you motherfuckers man, every fucking one of you man. You're a bunch of shit. You fucking stick us on a fucking terrorist you bitch. And more terrorism fucking happened during Obama you dumb fucking monkey. You're a fucking head monkey. During Trump, one motherfucker dies over what? A fucking white dude jumping in a car and running some fucking people over in fucking Charlottesville, one fucking person. You dumb fucking nigger. Shut the fuck up. Shut up about 9/11 and shut the (unintelligible) and tell that motherfucking towel head to shut the fuck up. We're going to have a war in this country motherfuckers. You're going to be the motherfuckers that pay. Don't you worry, you government officials, will be in the graves where you fucking belong. And all you black motherfuckers want to join these fucking Muslims, go right ahead. We'll fucking dwindle your fucking numbers down too. Fuck off asshole, shut your fucking mouth. Tell your fucking colleague with the towel on her head to shut the fuck up about 9/11. You fucking monkey."

8. Your Affiant conducted open source searches of the originating number 954-326-0611, revealing the current cellular carrier as T-Mobile and associated users as Kim and John **KLESS**. Based upon the threatening nature of the phone calls, combined with the fact that U.S. Congresswoman Rashida Tlaib was due to speak in Florida between April 20-21, 2019, Your Affiant contacted T-Mobile Law Enforcement Relations on April 16, 2019 at approximately 6:36


p.m. EDT and submitted an exigent request for subscriber information for wireless account 954-326-0611 to include current location, call detail records, and continuous location updates (pings). At approximately 6:51 p.m. EDT, Your Affiant received the results of the T-Mobile request. The account returned to Kim Kless with a billing address of 8030 N.W. 96<sup>th</sup> Terrace, Apt. 211, Tamarac, Florida, 33321. Database searches of the provided address revealed the current residents of 8030 N.W. 96<sup>th</sup> Terrace, Apt. 211, Tamarac, Florida as Kim Kless and John **KLESS**, with no additional occupants. T-Mobile additionally provided the current GPS coordinates of the wireless account (26.223840, -80.281885), which returned to the vicinity of the Tamarac, Florida address. Outgoing call detail records provided by T-Mobile confirmed calls from 954-326-0611 to the Washington, D.C. offices of the U.S. Congressman Swalwell from California (202-225-5065), U.S. Congresswoman Tlaib from Michigan (202-225-5126), and U.S. Senator Booker from New Jersey (202-224-3224).

9. Checks of the United States Capitol Police Threat Assessment Section Case Management System additionally revealed a previous February, 2019 case on **KLESS**, involving profane/harassing calls made to California U.S. Congresswoman Pelosi's Washington, D.C. Office. This early 2019 case included voice messages left by **KLESS** concerning Congress taking away his guns, abortion, illegal immigration, and Muslims in Congress.

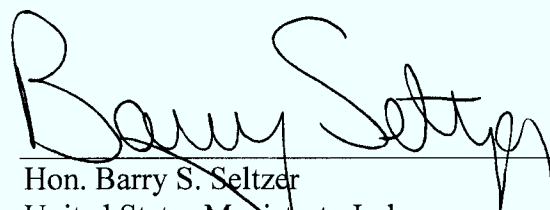
**CONCLUSION**

10. Based upon the foregoing facts, your affiant respectfully submits that there is probable cause to believe that **JOHN KLESS**, did commit a violation of federal law, to wit, the Interstate Transmission of Threats, in violation of Title 18, United States Code, Section 875(c).

***FURTHER YOUR AFFIANT SAYETH NAUGHT.***

  
\_\_\_\_\_  
Lacey Evans  
Special Agent  
United States Capitol Police

Sworn to and subscribed before me this 18th  
day of April, 2019, in Ft. Lauderdale, Florida.

  
\_\_\_\_\_  
Hon. Barry S. Seltzer  
United States Magistrate Judge